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Permanent Forum on Indigenous Issues
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Agenda item 4 (b)
Mandated areas: environment

Draft recommendations submitted by the Rapporteur

Environment

Recommendation 1
Progress of work in the area of environmental development

1. The Permanent Forum on Indigenous Issues requests the Secretary-General, through the Economic and Social Council, to prepare a report on the implementation of chapter 26 of Agenda 21 and other relevant chapters, such as chapter 36 and 15, that focus on how the Commission on Sustainable Development, in conjunction with secretariats of other environmental bodies (Convention on Biological Diversity, United Nations Framework Convention on Climate Change, United Nations Environment Programme (UNEP), Global Environment Facility (GEF), United Nations Forum on Forests etc.) are implementing those chapters for indigenous peoples in their work, and that the report be submitted to the Forum at its third session.

Recommendation 2
United Nations Framework Convention on Climate Change

2. The Forum requests the United Nations Framework Convention on Climate Change to consider the possible establishment of an ad hoc open-ended intersessional working group on indigenous peoples and local communities and climate change, whose objectives would be to study and propose timely, effective and adequate solutions to respond to the urgent situations caused by climate change that indigenous peoples and local communities face. The Forum also requests the Convention to provide necessary funding support to Forum members and indigenous peoples to guarantee their participation and to strengthen their capacity.

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Recommendation 3
World water

3. With regard to the environmental issue of water, the Forum, recognizing the indigenous peoples' Kyoto water declaration made at the World Water Forum, held in Kyoto, Japan, in March 2003, requests that the Commission on Sustainable Development and other relevant United Nations bodies (i.e., UNEP, the United Nations Educational, Scientific and Cultural Organization) consider the declaration in their discussions on this theme in 2004.

Recommendation 4
Waste, chemicals and pollution

4. The Forum recommends that the United Nations system urge all States to ratify the Kyoto Protocol, the Bio-Safety Protocol, the Stockholm Convention on Persistent Organic Pollutants (the Conference of Parties to the Stockholm Convention should establish mechanisms for indigenous peoples to maintain an active presence at its meeting), the Rotterdam Convention on Hazardous Chemicals, the Basel Convention and its 1995 prohibition on the export of hazardous waste from the countries of the Organisation for Economic Cooperation and Development to non-member countries, and 1996 Protocol to the London Convention on marine waste deposits etc.

5. The Forum, through the Economic and Social Council, requests the United Nations Environment Programme (UNEP) to develop mechanisms for indigenous peoples to participate in the persistent organic pollutants global monitoring programme's evaluation process under the Stockholm Convention. The Forum also welcomes the key findings of the UNEP global mercury assessment, and requests the Economic and Social Council to recommend that UNEP take immediate action on mercury contamination and work towards initiating a global legally binding instrument and other measures at the next UNEP Governing Council meeting of environmental ministers, to be held in the Republic of Korea in 2005.

Recommendation 5
Mining and mineral extraction

6. The Forum requests the United Nations system, particularly the Office of the United Nations High Commissioner for Human Rights and UNEP, taking note of the World Bank's extractive industries review, through the Economic and Social Council, to organize a workshop on resource extraction and indigenous peoples to further discuss such issues as corporate accountability and the rehabilitation of mined out areas, polluted water bodies and compensation of adversely affected communities, sustainable development and land rights, with a view to developing a mechanism to address the issues

Recommendation 6
Forests, parks and protected areas

7. The Forum, taking note of the interest expressed at its second session in future collaboration with the United Nations Forum on Forests, requests the United Nations Forum on Forests to invite members of the Permanent Forum on Indigenous Issues to participate in sessions of both the United Natiqaaaaons Forum on Forests and the Collaborative Partnership on Forests.

8. The operational policy of the World Bank regarding forests is under review. The Forum recommends to the Bank that it take into account the recommendations made by indigenous peoples and calls for the involvements of Forum members in the Bank's process of review and revision.

9. The Forum notes the preparation of the World Congress on Protected Areas, to be held in Durban, South Africa, in September 2003, which Forum members consider to be an important meeting calling for their attention and action. The Forum recommends that all laws, policies or work programmes on forests and protected areas guarantee, ensure and respect indigenous peoples' spiritual and cultural lives, lands and territorial rights, including sacred sites, needs and benefits, and recognize their rights to access to and control over management of forests.

Recommendation 7
World Trade Organization

10. The Forum, mindful of the current discussion in the World Trade Organization (WTO) as it relates to multilateral agreements on trade and investment, agricultural subsidies, intellectual property rights and access to life-saving drugs and the possible impacts they could have on indigenous peoples, invites the secretariat of WTO to its third session for an exchange of views on those and other important issues.

Recommendation 8
Environmental impact assessment and cultural diversity

11. The Forum recommends that United Nations bodies, in particular the Convention on Biological Diversity, in coordination with the World Bank and UNEP, organize a workshop on protecting sacred places and ceremonial sites of indigenous peoples with a view to identifying protective mechanisms and instituting a legal framework that make cultural, environmental and social impact assessments studies mandatory and ensure the environmental accountability of economic, social and environmental projects that are proposed to be conducted on sacred sites and on lands, territories and waters traditionally occupied or used by indigenous peoples.

12. Taking into account decision 22/16 of the Governing Council of UNEP, the Forum requests UNEP and relevant United Nations agencies and programmes to hold consultations at the regional and national levels with indigenous peoples to examine this issue and prepare recommendations on possible further strengthening of the understanding of the link between environment and cultural diversity.

Recommendation 9
Convention on Biological Diversity

13. The Forum, as the highest-level United Nations body with expertise in indigenous issues, requests the Convention on Biological Diversity to invite Forum members to participate in the work of the Conference of Parties to the Convention and the working group on article 8j and other working groups of the Convention. The Forum recommends the establishment of an international ethical code on bio-prospecting in order to avoid bio-piracy and ensure the respect for indigenous cultural and intellectual heritage. Under the framework of the Convention, a mechanism should be established for the repatriation and devolution of genetic materials collections to indigenous peoples. The Forum recommends to the Convention secretariat that the global taxonomy initiative incorporate an ethical

principles and social framework for the protection of indigenous peoples' rights to their lands, traditional knowledge and resources before its implementation.

Recommendation 10
World Intellectual Property Organization

14. The Forum, noting the future mandate of the World Intellectual Property Organization (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore to be considered by the Committee at its session to be held in July 2003, expresses the wish that the mandate of the Committee should have as its clear objective the continued development of mechanisms, systems and tools that adequately protect the genetic resources, traditional knowledge and expressions of culture of indigenous peoples at the national, regional and international levels. The Forum affirms its willingness to contribute its expertise and experience to the work of the Committee and to play a consultative role in assisting mechanisms that may be established by member States of WIPO, and urges the Committee to assist two Forum members in participating systematically and effectively in the process by establishing a special fund.

15. The Forum requests WIPO to undertake a study, in collaboration with Forum members, on the use of indigenous knowledge relating to medicinal plants and resources, the commercialization of such knowledge and how indigenous communities are benefiting from such commercialization.

Recommendation 11
Funding for indigenous peoples' projects

16. The Forum requests all United Nations environmental bodies, in particular the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development, UNEP, GEF, the World Bank and the United Nations Development Programme to make the necessary efforts to mobilize resources for projects by indigenous peoples, and provide financial support to strengthen the international indigenous peoples Forum on biodiversity and the Permanent Forum on Indigenous Issues.

Recommendation 12
Participation of indigenous peoples

17. The Forums recommend to the Economic and Social Council that the United Nations system guarantee the full and effective participation of indigenous peoples in appropriate processes and environmental conventions, such as those on desertification, wetlands and climate change.

Recommendation 13
High-level panel on the participation of civil society

18. Recognizing the emerging role of civil society and indigenous peoples in the search for creative solutions as a means of contributing to formulating, developing and implementing policies and programmes of the United Nations system, the Forum welcomes the initiative of the Secretary-General to create a high-level panel to prepare a series of recommendations on the participation of civil society in the work of the United Nations system. The Forum requests that the Secretary-General ask the high-level panel to hold consultations and to take into account the recommendations of the Forum on the improvement of indigenous peoples' participation in and contributions to the work of the United Nations system.